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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)

Policies and Rules Implementing)
the Telephone Disclosure and Dispute)
Resolution Act)

CC Docket No. 93-22

Reply Comments of InfoAccess, Inc.

InfoAccess, Inc. ("InfoAccess"), as an interexchange ("IXC") carrier providing tariffed transport services to information providers ("IPs"), hereby files these Reply Comments in accordance with the Commission's Order on Reconsideration and Further Notice of Proposed Rule Making ("NPRM") in the above-captioned matter.¹ In support hereof, it is respectfully stated:

¹ Adopted on August 2, 1994 and released on August 31, 1994.

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I. Introduction

In its Comments, InfoAccess states its position that: (i) restricting purchases of information services by credit or charge cards to "generally accepted" credit or charge cards will unreasonably restrict access to information services and stunt the industry's growth; (ii) requiring written presubscription agreements is unnecessary and overburdensome for consumers, IPs, IXC's, and LEC's; and (iii) prohibiting a calling party from being connected over an 800 number platform to a "no charge" information service will disrupt the information services industry. InfoAccess believes that the underlying problems that culminated in the Commission's proposed rules changes can be addressed by less costly and restrictive measures.

II. Discussion

A. Eliminating the 800 gateway for information services is not a workable solution

Numerous parties have submitted Comments to the NPRM. However, very few Comments contain realistic solutions to the problems confronting the Commission and the information services industry. Such simplistic solutions such as prohibiting any charges for information services conveyed over an 800 number are anachronistic and unworkable. As discussed in InfoAccess' Comments, the 800 number gateway is a necessary and important element to the future growth of the information highway.² Moreover, this is an unacceptable solution in today's increasingly mobile society that demands information on a real time basis to be delivered to the caller's location irrespective of the location of the subscribing telephone line. Only the 800 gateway provides the mobility and portability necessary to serve society's increasingly demands for real time information. Thus, without the 800 gateway for information services, the

² InfoAccess' Comments at 10, 14-17.

convenience of accessing information services from remote locations (locations other than the subscribed telephone line) will be compromised.

B. Utilizing the Line Identification Data Base, the 900 blocking data base, and the anti-"slamming" rules is a workable solution

At the core of the Commission's concerns is the "unauthorized caller" problem whereby a telephone call is made from an unsuspecting subscriber's telephone by an unauthorized caller that creates a presubscription agreement with an information service.³ As such, all subsequent telephone calls made to the information service by that unauthorized caller are billed to the originating telephone line on which the presubscription agreement was created. The Commission's solution to this problem is to mandate written presubscription agreements between the IP and the telephone subscriber and to require billing entities to receive evidence of such written agreements before billing for information services.⁴ As discussed by several commentators, including InfoAccess, requiring written agreements and the confirmation of their existence is unduly burdensome, costly, and unenforceable.⁵

The "unauthorized caller" problem can be reasonably controlled by mandating the use of technology and business practices that exist today and are being utilized to solve analogous problems. InfoAccess believes that by combining the Line Information Data Base ("LIDB"), the 900 number blocking data base, and the rules promulgated by the

³ NPRM at 8-9.

⁴ NPRM, Appendix C, proposed rules §64.1501(b) and §64.1510(b).

⁵ InfoAccess' Comments at 10-14.

Commission to resolve the unauthorized "slamming" problem, the Commission has a workable solution that can be easily and efficiently implemented.⁶

To implement this solution, the Commission must first require that IPs, before billing for any information services, confirm the establishment of a presubscription contract by one of the four methods as discussed in InfoAccess' Comments (adapted from the Commission's anti-"slamming" rules) on pages 10-14. Secondly, for every telephone call to an IP, the Commission should require IPs to screen the calling party's ANI through the Line Information Data Base ("LIDB"). The LIDB will identify whether the calling party is calling from a pay telephone, university, hospital, governmental entity, or business. If the call is from any of these locations or other similarly restricted locations, the IPs would not be able to bill for the information service unless a presubscription agreement has been entered into by telephone line subscriber. LIDB is currently available to IPs and billing entities.

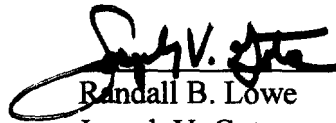
If the LIDB screening indicates that the call is originating from a residential location, the IP must then screen the ANI through the 900 number blocking data base. The 900 blocking data base has been created and is maintained by LECs and contains the telephone number of all consumers who have requested 900 number blocking on their telephone lines. The 900 number block is maintained at the LEC central office switch and prevents dialing access from the blocked telephone to all 900 services on a global basis. If the originating ANI appears in the 900 number blocking data base, a safe assumption is that the telephone line subscriber did not authorize an 800 number presubscription agreement. However, access by IPs to the 900 number blocking base has been denied by the RBOCs and LECs. Such access should be mandated by the Commission.

⁶ See Comments of International Telemedia Associates at 4-7 for a more thorough discussion of LIDB and the 900 number blocking data base.

III. Conclusion

InfoAccess believes that the combination of these three procedures will drastically reduce, if not eradicate the "unauthorized caller" problem. By taking this approach, the Commission will not regulate the information services industry "out of business" or chill the industry's growth.

Respectfully submitted this 31st day of October, 1994.



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